

Remarks

Reconsideration of this Application is respectfully requested.

Claims 2-3 and 5 are sought to be cancelled without prejudice or disclaimer. Applicants reserve the right to prosecute any cancelled claim or broader claims in a continuation application. Claims 1 and 4 are pending in the application, with 1 and 4 being the independent claims. No new matter has been entered by any amendments.

Based on the above amendment and following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102(b) and 103(a)

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,628,372 to McCullough et al. ("McCullough") in view of U.S. Patent No. 5,667,758 to McEachern et al. ("McEachern"). Although the Section 4 on page 3 does not specifically state this was the rejection, Applicants assume based on the text of that was the Examiner's asserted rejection. However, due to the canceling of this claim, Applicants believe this rejection should be moot.

Provisional Nonstatutory Double Patenting Rejection

The Examiner has provisionally rejected claims 1, 3, and 4 under the judicially created doctrine of obviousness-type double patenting for allegedly being unpatentable over claims 1 and 3 of co-pending Application No. 10/447,200.

Based on the canceling of claim 3, Applicants believe this rejection should be moot as directed to claim 3.

In regards to claims 1 and 4, pursuant to M.P.E.P. Section 804(I)(B), since co-pending Application No. 10/447,200 has been allowed, the Examiner should maintain the double patenting rejection in this instant application as a 'provisional' double patenting rejection, which can be converted into a double patenting rejection when the co-pending Application No. 10/447,200 issues as a patent. Applicants will appropriately

address the provisional double patenting rejection in the event it is converted to an actual double patenting rejection pursuant to M.P.E.P. Section 804(I)(B) after co-pending Application No. 10/447,200 issues as a patent.

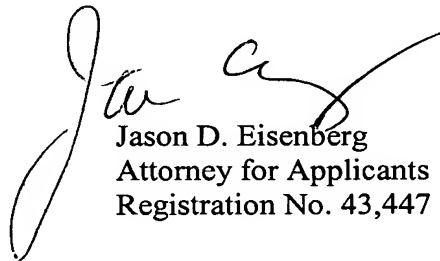
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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